

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 725

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H725-ASA-68 [v.2]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Third Edition

Date _____, 2014

Representative McNeill

1 moves to amend the bill on page 4, line 4, by rewriting the line to read:

2
3 "motor vehicle ~~laws,~~ laws or any offense under Article 13A of Chapter 14 of
4 the General Statutes, or who commits indirect contempt by a juvenile",

5
6 And on page 4, line 16, by rewriting the line to read:

7
8 "motor vehicle laws or any offense under Article 13A of Chapter 14 of the
9 General Statutes, or who commits indirect contempt by a juvenile",

10
11 And on page 10, line 6, by rewriting the line to read:

12
13
14 "motor vehicle laws or any offense under Article 13A of Chapter 14 of the
15 General Statutes.",

16
17 And on page 10, line 16, by rewriting the line to read:

18
19 "motor vehicle laws or any offense under Article 13A of Chapter 14 of the
20 General Statutes."

21 And on page 11, line 3, by inserting the following:

22 **SECTION 17(a).** Effective July 1, 2019, G.S. 7B-2200 reads as rewritten:

23 "**§ 7B-2200. Transfer of jurisdiction of juvenile to superior ~~court~~ court; transfer of**
24 **jurisdiction to district criminal court.**

25 (a) After notice, hearing, and a finding of probable cause the court may, upon motion of the
26 prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a
27 juvenile to superior court if the juvenile was 13 years of age or older at the time the juvenile
28 allegedly committed an offense that would be a felony if committed by an adult. If the alleged
29 felony constitutes a Class A felony and the court finds probable cause, the court shall transfer
30 the case to the superior court for trial as in the case of adults.

31 (b) After notice, hearing, and a finding that the juvenile is a member of a street gang as
32 defined in G.S. 14-50.16, upon motion of the prosecutor or the juvenile's attorney or upon its



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1 own motion, the court shall transfer jurisdiction over a juvenile from the juvenile court to
2 district criminal court if the juvenile was at least 16 years of age at the time the juvenile
3 allegedly committed an offense that would be a misdemeanor if committed by an adult."

4 **SECTION 17(b).** Effective July 1, 2019, Article 22 of Chapter 7B of the General
5 Statutes is amended by adding a new section to read:

6 "**§ 7B-2203.1. Hearing to determine street gang membership.**

7 Upon motion by the prosecutor or the juvenile's attorney asserting that a juvenile that was at
8 least 16 years of age at the time the juvenile allegedly committed an offense that would be a
9 misdemeanor if committed by an adult is a member of a street gang as defined in G.S. 14-
10 50.16, the court shall conduct a hearing to determine whether the juvenile is a member of a
11 street gang. The juvenile shall receive notice of the hearing at least five days prior to the
12 hearing. At the hearing, the prosecutor and the juvenile may be heard and may offer evidence,
13 and the juvenile's attorney may examine any court or probation records, or other records the
14 court may consider in determining whether the juvenile is a member of a street gang. If the
15 court finds by a preponderance of the evidence that the juvenile is a member of a street gang,
16 the court shall transfer the juvenile as provided in G.S. 7B-2200(b)."

17
18 And on page 11, line 5 by deleting "SECTION 17." and inserting "SECTION 18."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**